

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 456

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Gail C. Beam

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH; ENACTING THE NATUROPATHIC MEDICINE PRACTICE ACT; CREATING A BOARD; PROVIDING POWERS AND DUTIES; CREATING A FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] SHORT TITLE. -- Sections 1 through 23 of this act may cited as the "Naturopathic Medicine Practice Act".

Section 2. [NEW MATERIAL] PURPOSE. -- The purpose of the Naturopathic Medicine Practice Act is to protect the public from the unprofessional, improper, incompetent and unlawful practice of naturopathic medicine by providing laws and rules to govern the practice of naturopathic medicine.

Section 3. [NEW MATERIAL] DEFINITIONS. -- As used in the Naturopathic Medicine Practice Act:

. 142010. 1

underscored material = new
[bracketed material] = del ete

1 A. "board" means the board of naturopathic
2 medicine;

3 B. "doctor of naturopathic medicine" means a person
4 licensed as a naturopathic physician to practice naturopathic
5 medicine with the ability to practice independently, serve as a
6 primary care provider and collaborate as necessary with other
7 health care providers;

8 C. "homeopathy" means a system of medicine based on
9 the use of infinitesimal doses of medicines capable of
10 producing symptoms similar to those of the disease treated as
11 listed in the homeopathic pharmacopoeia of the United States;

12 D. "hygiene and immunizations" means the use of
13 such preventive techniques as personal hygiene, asepsis, public
14 health prevention and reporting responsibilities and
15 immunizations;

16 E. "medicines of mineral, animal and botanical
17 origin" means medicines derived from animal organs, tissues and
18 oils, minerals and plants administered orally, topically and by
19 injection, excluding legend drugs, with the following
20 exceptions: vitamins, minerals, natural hormones, whole gland
21 thyroid and substances as exemplified in traditional botanical
22 and herbal pharmacopoeia and nondrug contraceptive devices,
23 excluding intrauterine devices;

24 F. "natural hormones" means plant- and glandular-
25 derived hormones;

underscored material = new
[bracketed material] = delete

1 G. "naturopathic medicine" means a system of health
2 care practiced by doctors of naturopathic medicine for the
3 prevention, diagnosis and treatment of human health conditions,
4 injuries and diseases that uses education, natural medicines,
5 homeopathy and therapies to support and stimulate a person's
6 intrinsic self-healing processes, including naturopathic
7 physical medicine. "Naturopathic medicine" does not include
8 occupational therapy as defined in Section 61-12A-3 NMSA 1978,
9 physical therapy as defined in Section 61-12D-3 NMSA 1978 or
10 oriental medicine as defined in Section 61-14A-3 NMSA 1978; and

11 H. "naturopathic physical medicine" means the use
12 of physical agents of air, water, heat, cold, sound, light,
13 soft tissue therapy and mobilization and therapeutic exercise
14 in the resolution of human ailments and conditions.

15 Section 4. [NEW MATERIAL] SCOPE OF PRACTICE. --

16 A. Naturopathic medicine is the practice by a
17 doctor of naturopathic medicine of the art and science of the
18 diagnosis, prevention and treatment of disorders of the body by
19 stimulation or support, or both, of the natural processes of
20 the human body.

21 B. Doctors of naturopathic medicine may use for
22 preventive and therapeutic purposes the following natural
23 medicines and therapies: food, food extracts, certain
24 medicines of mineral, animal and botanical origin, vitamins,
25 minerals, natural hormones, enzymes, digestive aids, whole

underscored material = new
[bracketed material] = delete

1 gland thyroid, plant substances, homeopathic preparations,
2 topical medicines, counseling, biofeedback, dietary therapy,
3 hygiene and immunizations, certain injections, naturopathic
4 physical medicine, nutritional and lifestyle counseling,
5 therapeutic devices and barrier devices for contraception.

6 C. Doctors of naturopathic medicine may use for
7 diagnostic purposes physical and orifical examinations,
8 diagnostic imaging, electrocardiograms, ultrasound, phlebotomy,
9 clinical laboratory tests, examinations and physiological
10 function tests.

11 D. Doctors of naturopathic medicine may prescribe
12 natural hormones and contraceptive devices.

13 Section 5. [NEW MATERIAL] LICENSE REQUIRED. -- Unless
14 licensed as a doctor of naturopathic medicine pursuant to the
15 Naturopathic Medicine Practice Act, a person shall not:

16 A. use the title or represent himself as a doctor
17 of naturopathic medicine or use any other title, abbreviation,
18 letters, figures, signs or devices that indicate the person is
19 licensed to practice as a doctor of naturopathic medicine; or

20 B. advertise, hold out to the public or represent
21 in any manner that he is licensed to practice naturopathic
22 medicine.

23 Section 6. [NEW MATERIAL] USE OF TERMS. -- A person
24 licensed pursuant to the provisions of the Naturopathic
25 Medicine Practice Act, in advertising his services to the

1 public, shall use the title "doctor of naturopathic medicine".

2 Section 7. [NEW MATERIAL] EXEMPTIONS. --

3 A. Nothing in the Naturopathic Medicine Practice Act
4 is intended to limit, interfere with or prevent licensed health
5 care professionals of any other class from practicing within
6 the scope of their licenses, but they shall not hold themselves
7 out to the public or any private group or business by using any
8 title or description of services that includes the term "doctor
9 of naturopathic medicine" unless they are licensed pursuant to
10 the Naturopathic Medicine Practice Act.

11 B. The Naturopathic Medicine Practice Act does not
12 apply to or affect the following practices if a person does not
13 hold himself out as a doctor of naturopathic medicine:

14 (1) administering of gratuitous services in
15 cases of emergency;

16 (2) domestic administering of family remedies;

17 (3) counseling about or the teaching and
18 demonstration of breathing and exercise techniques;

19 (4) counseling about or teaching of diet and
20 nutrition;

21 (5) spiritual or lifestyle counseling of a
22 person or spiritual group, or the practice of the religious
23 tenets of a church; or

24 (6) providing information about the general
25 use of herbal medicines, homeopathic medicines, vitamins,

. 142010. 1

1 minerals, enzymes or glandular or nutritional supplements.

2 Section 8. [NEW MATERIAL] BOARD CREATED-- APPOINTMENT--
3 OFFICERS-- COMPENSATION. --

4 A. The "board of naturopathic medicine" is created.

5 B. The board is administratively attached to the
6 regulation and licensing department.

7 C. The board consists of five members appointed by
8 the governor for terms of three years each. Three members of
9 the board shall be doctors of naturopathic medicine who have
10 been residents of and practiced naturopathic medicine in New
11 Mexico for at least three years immediately preceding the date
12 of their appointment. Two members shall be appointed to
13 represent the public and shall not have practiced naturopathic
14 medicine in this or any other jurisdiction or have any
15 financial interest in the profession regulated. A board member
16 shall not be the principal owner or director of an institute
17 offering educational programs in naturopathic medicine.

18 D. Members of the board shall be appointed by the
19 governor for staggered terms of three years; provided that for
20 initial terms, two members shall be appointed for three years,
21 two for two years and one for one year. Terms of board members
22 shall expire on December 31. A board member shall serve until
23 his successor has been appointed and qualified. Vacancies
24 shall be filled for the remainder of the unexpired term in the
25 same manner as the original appointment.

. 142010. 1

underscored material = new
[bracketed material] = delete

1 E. A board member shall not serve more than three
2 consecutive full terms, and a board member who fails to attend
3 three consecutive meetings, after he has received proper
4 notice, shall be recommended for removal as a board member
5 unless excused for reasons established by the board.

6 F. The board shall elect annually from its
7 membership a chair and other officers as necessary to carry out
8 its duties.

9 G. The board shall meet at least once each year and
10 at other times deemed necessary. Other meetings may be called
11 by the chair, a majority of board members or the governor. A
12 simple majority of board members serving constitutes a quorum
13 of the board.

14 H. Members of the board may be reimbursed as
15 provided in the Per Diem and Mileage Act, but shall receive no
16 other compensation, perquisite or allowance. The board may
17 waive any payment of per diem or mileage.

18 Section 9. [NEW MATERIAL] BOARD--POWERS.--The board may:

19 A. enforce the provisions of the Naturopathic
20 Medicine Practice Act;

21 B. adopt, publish and file, in accordance with the
22 Uniform Licensing Act and the State Rules Act, all rules
23 necessary for the implementation and enforcement of the
24 provisions of the Naturopathic Medicine Practice Act;

25 C. adopt a code of ethics;

underscored material = new
[bracketed material] = delete

- 1 D. adopt and use a seal;
- 2 E. inspect facilities of approved educational
- 3 programs, extern programs and the offices of licensees;
- 4 F. adopt rules implementing continuing education
- 5 requirements for the purpose of protecting the health and well-
- 6 being of the citizens of this state and maintaining and
- 7 continuing informed professional knowledge and awareness;
- 8 G. employ such professional and clerical assistance
- 9 as necessary to carry out the powers and duties of the board;
- 10 H. issue investigative subpoenas for the purpose of
- 11 investigating complaints against licensees, prior to the
- 12 issuance of a notice of contemplated action;
- 13 I. administer oaths and take testimony on any
- 14 matters within the board's jurisdiction;
- 15 J. conduct hearings upon charges relating to the
- 16 discipline of licensees, including the denial, suspension or
- 17 revocation of a license in accordance with the Uniform
- 18 Licensing Act;
- 19 K. limit the type of license of a doctor of
- 20 naturopathic medicine based upon the level of education and
- 21 training; and
- 22 L. grant, deny, renew, suspend, limit or revoke
- 23 licenses to practice naturopathic medicine or grant, deny,
- 24 renew, suspend or revoke approvals of educational programs and
- 25 extern programs in accordance with the provisions of the

. 142010. 1

1 Uniform Licensing Act for any cause stated in the Naturopathic
2 Medicine Practice Act or rules of the board.

3 Section 10. [NEW MATERIAL] BOARD DUTIES. -- The board
4 shall:

- 5 A. establish fees;
- 6 B. provide for the examination of applicants for
7 licensure as doctors of naturopathic medicine;
- 8 C. keep a record of all examinations held, together
9 with the names and addresses of all persons taking the
10 examinations, and the examination results;
- 11 D. notify each applicant, in writing, of the
12 results of an examination within twenty-one days after the
13 results of the examination are available to the board;
- 14 E. provide for a limited license for those seeking
15 licensure under Section 16 of the Naturopathic Medicine
16 Practice Act;
- 17 F. keep a licensee record in which the names,
18 addresses and license numbers of all licensees shall be
19 recorded together with a record of all license renewals,
20 suspensions and revocations;
- 21 G. provide for the granting and renewal of licenses
22 and approval of educational programs; and
- 23 H. keep an accurate record of all its meetings,
24 receipts and disbursements.

25 Section 11. [NEW MATERIAL] REQUIREMENTS FOR LICENSURE. --

. 142010. 1

underscored material = new
[bracketed material] = delete

1 The board shall grant a license to practice naturopathic
2 medicine to a person who has:

3 A. submitted to the board:

4 (1) the completed application for licensure on
5 the form provided by the board;

6 (2) the documentation required by the board;

7 (3) the required fees;

8 (4) an affidavit stating that the applicant
9 has not been found guilty of unprofessional conduct or
10 incompetency;

11 (5) proof, as determined by the board, that
12 the applicant has completed a board-approved educational
13 program in naturopathic medicine as provided for in the
14 Naturopathic Medicine Practice Act and the rules of the board;
15 and

16 (6) proof that he has passed the examinations
17 approved by the board; and

18 B. complied with any other requirements of the
19 board.

20 Section 12. [NEW MATERIAL] EXAMINATIONS. -- The board:

21 A. shall establish procedures to ensure that
22 examinations for licensure are offered at least once a year;

23 B. shall establish the deadline for
24 receipt of applications for licensure examinations and other
25 rules relating to the taking and retaking of licensure

. 142010. 1

1 examinations;

2 C. shall establish the passing grades for
3 its approved examinations;

4 D. may approve, and use as a basis for
5 licensure, the examinations that are used for national
6 certification, including the naturopathic physician licensing
7 examination;

8 E. shall require each qualified applicant
9 to pass a validated, objective written examination that covers
10 areas that are not included in other examinations approved by
11 the board;

12 F. shall require that each applicant has
13 graduated from a naturopathic college accredited by the council
14 of naturopathic medical education or another accrediting agency
15 recognized by the United States department of education;

16 G. may recognize a college that has the
17 status of candidate for accreditation with an approved
18 accrediting agency or has been approved by the board after an
19 investigation that determines that the college and the program
20 meet educational standards equivalent to those established by
21 the accrediting agency and comply with the board's rules, which
22 shall require as a minimum a full-time resident program of
23 academic and clinical staff; and

24 H. may require each qualified applicant to pass a
25 written examination on the state laws and rules that pertain to

underscored material = new
[bracketed material] = delete

1 the practice of naturopathic medicine.

2 Section 13. [NEW MATERIAL] REQUIREMENTS FOR TEMPORARY
3 LICENSURE. --

4 A. The board may grant a temporary license until
5 the next licensure examination to a person who:

6 (1) is licensed to practice naturopathic
7 medicine in another state, district or territory of the United
8 States or in a foreign country and who has met all the
9 requirements for temporary licensure, as determined by the
10 board, to practice in New Mexico;

11 (2) submits the completed application for
12 licensure on the form provided by the board;

13 (3) submits the required documentation,
14 including proof of adequate education and training, as
15 determined by the board;

16 (4) submits the required temporary licensure
17 application fee; and

18 (5) submits an affidavit stating that the
19 applicant has not been found guilty of unprofessional conduct
20 or incompetence.

21 B. A temporary licensee may engage in only those
22 activities authorized on the temporary license.

23 C. A temporary license may be issued for a
24 period of time not to exceed the number of months between
25 application and the time necessary to notify applicants of

. 142010. 1

1 passage or failure of the next licensure examination.

2 D. A temporary license may be renewed one time upon
3 submission of:

4 (1) the completed application for license
5 renewal on the form provided by the board; and

6 (2) the required renewal fee.

7 Section 14. [NEW MATERIAL] REQUIREMENTS FOR RECIPROCAL
8 LICENSURE. --The board may grant a license to practice
9 naturopathic medicine to a person who is licensed as a doctor
10 of naturopathic medicine in another state, district or
11 territory of the United States or in a foreign country with
12 reciprocal licensure provisions and licensure requirements
13 similar to New Mexico and if the applicant:

14 A. submits the completed application for reciprocal
15 licensure on the form provided by the board;

16 B. submits the required documentation as determined
17 by the board;

18 C. submits the required fee for application for
19 reciprocal licensure;

20 D. submits an affidavit stating that the applicant
21 has not been found guilty of unprofessional conduct or
22 incompetence;

23 E. has once passed the board-approved examination
24 that demonstrates his knowledge of and skill in the application
25 of naturopathic medicine and has since maintained uninterrupted

. 142010. 1

underscored material = new
[bracketed material] = delete

1 licensure; and

2 F. has passed a written examination on New Mexico
3 laws and rules that pertain to the practice of naturopathic
4 medicine.

5 Section 15. [NEW MATERIAL] APPROVAL OF CONTINUING
6 EDUCATION PROGRAMS. --The board shall establish by rule the
7 amount of and criteria for board approval of continuing
8 educational programs in naturopathic medicine.

9 Section 16. [NEW MATERIAL] TRANSITIONAL PROVISIONS. --A
10 resident of this state who is of legal majority and who has
11 held himself out and practiced as a naturopathic physician or
12 doctor of naturopathic medicine prior to July 1, 2003 shall be
13 entitled to licensure without examination and may practice
14 naturopathic medicine within a scope of practice and limited
15 license that reflects the limits of his training and experience
16 as determined and approved by the board if he:

17 A. applies for licensure in the manner prescribed
18 the board on or before December 31, 2003;

19 B. has been a full-time resident of New Mexico for
20 the two preceding years before July 1, 2003;

21 C. derives the majority of his income from the
22 practice of naturopathic medicine; and

23 D. has at least ten years of experience in the
24 field of naturopathic medicine.

25 Section 17. [NEW MATERIAL] LICENSE RENEWAL. --

. 142010. 1

underscored material = new
[bracketed material] = delete

1 A. A licensee may renew his license annually
2 by submitting prior to the date established by the board:

3 (1) the completed application for renewal on
4 the form provided by the board; and

5 (2) the required renewal fee.

6 B. The board may require proof of continuing
7 education or other proof of competency as a requirement for
8 renewal.

9 C. A sixty-day grace period shall be allowed for
10 each licensee after the end of the licensing period, during
11 which time the license may be renewed by submitting:

12 (1) the completed application for renewal on
13 the form provided by the board;

14 (2) the required renewal fee; and

15 (3) the required late fee.

16 D. A license not renewed at the end of the grace
17 period shall be considered expired and the licensee shall not
18 be eligible to practice within the state. For reinstatement of
19 an expired license within one year of the date of renewal, the
20 board may establish requirements or fees in addition to the
21 renewal fee or may require the former licensee to reapply as a
22 new applicant.

23 Section 18. [NEW MATERIAL] FEES. -- The board shall
24 establish a schedule of reasonable nonrefundable fees not to
25 exceed the following amounts:

. 142010. 1

underscored material = new
[bracketed material] = delete

- 1 A. application for licensure, one thousand dollars
2 (\$1,000);
- 3 B. application for reciprocal licensure, eight
4 hundred fifty dollars (\$850);
- 5 C. application for temporary licensure, five
6 hundred dollars (\$500);
- 7 D. examination, not including the cost of any
8 nationally recognized examination, four hundred dollars (\$400);
- 9 E. annual license renewal, one thousand dollars
10 (\$1,000);
- 11 F. late license renewal, two hundred dollars
12 (\$200);
- 13 G. expired license renewal, one thousand two
14 hundred dollars (\$1,200);
- 15 H. temporary license renewal, five hundred dollars
16 (\$500);
- 17 I. annual continuing education provider
18 registration, four hundred dollars (\$400); and
- 19 J. reasonable fees for necessary administrative
20 expenses.

21 Section 19. [NEW MATERIAL] DISCIPLINARY PROCEEDINGS--
22 JUDICIAL REVIEW--APPLICATION OF UNIFORM LICENSING ACT.--

23 A. In accordance with the procedures contained in
24 the Uniform Licensing Act, the board may deny, revoke or
25 suspend any permanent or temporary license held or applied for

. 142010. 1

underscored material = new
[bracketed material] = delete

1 under the Naturopathic Medicine Practice Act, upon findings by
2 the board that the licensee or applicant:

3 (1) is guilty of fraud or deceit in procuring
4 or attempting to procure a license;

5 (2) has been convicted of a felony. A
6 certified copy of the record of conviction shall be conclusive
7 evidence of such conviction;

8 (3) is guilty of incompetence as defined by
9 board rule;

10 (4) is habitually intemperate or is addicted
11 to the use of habit-forming drugs or is addicted to any vice to
12 such a degree as to render him unfit to practice as a doctor of
13 naturopathic medicine;

14 (5) is guilty of unprofessional conduct, as
15 defined by board rule;

16 (6) is guilty of a violation of the
17 Controlled Substances Act;

18 (7) has violated a provision of the
19 Naturopathic Medicine Practice Act or rules promulgated
20 by the board;

21 (8) is guilty of failing to furnish the board,
22 its investigators or representatives with information requested
23 by the board;

24 (9) is guilty of willfully or negligently
25 practicing beyond the scope of naturopathic medicine;

. 142010. 1

1 (10) is guilty of aiding or abetting the
2 practice of naturopathic medicine by a person not licensed
3 by the board;

4 (11) is guilty of practicing or attempting to
5 practice under an assumed name;

6 (12) advertises by means of knowingly false
7 statements;

8 (13) advertises or attempts to attract
9 patronage in an unethical manner prohibited by the Naturopathic
10 Medicine Practice Act or the rules of the board;

11 (14) has been declared mentally incompetent by
12 regularly constituted authorities;

13 (15) has had a license, certificate or
14 registration to practice as a doctor of naturopathic medicine
15 revoked, suspended or denied in any jurisdiction of the United
16 States or a foreign country for actions of the licensee
17 similar to acts described in this subsection. A certified copy
18 of the record of the jurisdiction taking such disciplinary
19 action will be conclusive evidence thereof; or

20 (16) fails, when diagnosing and treating a
21 patient, to possess or apply the knowledge or to use the skill
22 and care ordinarily used by reasonably well-qualified doctors
23 of naturopathic medicine practicing under similar
24 circumstances, giving due consideration to the locality
25 involved.

underscored material = new
[bracketed material] = delete

1 B. Disciplinary proceedings may be instituted by
2 any person, shall be by sworn complaint and shall conform with
3 the provisions of the Uniform Licensing Act. Any party to the
4 hearing may obtain a copy of the hearing record upon payment of
5 the cost of the copy.

6 C. Any person filing a sworn complaint shall be
7 immune from liability arising out of civil action if the
8 complaint is filed in good faith and without actual malice.

9 D. The licensee shall bear the costs of
10 disciplinary proceedings unless exonerated.

11 Section 20. [NEW MATERIAL] FUND CREATED. --

12 A. The "board of naturopathic medicine fund" is
13 created in the state treasury.

14 B. All money received by the board pursuant to the
15 Naturopathic Medicine Practice Act shall be deposited with the
16 state treasurer for credit to the board of naturopathic
17 medicine fund. The state treasurer shall invest the fund as
18 other state funds are invested, and income from investment of
19 the fund shall be credited to the fund. All balances in the
20 fund shall remain in the fund and shall not revert to the
21 general fund.

22 C. The fund shall be administered by the board, and
23 money in the fund is appropriated to the board and shall be
24 used only to meet the necessary expenses incurred in carrying
25 out the provisions of the Naturopathic Medicine Practice Act.

. 142010. 1

underscored material = new
[bracketed material] = delete

1 Section 21. [NEW MATERIAL] PENALTIES. -- Any person who
2 violates any provision of the Naturopathic Medicine Practice
3 Act is guilty of a misdemeanor and upon conviction shall be
4 punished as provided in Section 31-19-1 NMSA 1978.

5 Section 22. [NEW MATERIAL] CRIMINAL OFFENDER EMPLOYMENT
6 ACT. -- The provisions of the Criminal Offender Employment Act
7 shall govern any consideration of criminal records required or
8 permitted by the Naturopathic Medicine Practice Act.

9 Section 23. TERMINATION OF AGENCY LIFE-- DELAYED REPEAL. --
10 The board of naturopathic medicine is terminated on July 1,
11 2009 pursuant to the Sunset Act. The board shall continue to
12 operate according to the Naturopathic Medicine Practice Act
13 until July 1, 2010. Effective July 1, 2010, the Naturopathic
14 Medicine Practice Act is repealed.

15 Section 24. Section 61-6-17 NMSA 1978 (being Laws 1973,
16 Chapter 361, Section 8, as amended) is amended to read:

17 "61-6-17. EXCEPTIONS TO ACT. -- The Medical Practice Act
18 shall not apply to or affect:

- 19 A. gratuitous services rendered in cases of
20 emergency;
- 21 B. the domestic administration of family remedies;
- 22 C. the practice of midwifery as regulated in this
23 state;
- 24 D. commissioned medical officers of the armed
25 forces of the United States and medical officers of the United

underscored material = new
[bracketed material] = delete

1 States public health service or the veterans administration of
2 the United States in the discharge of their official duties or
3 within federally controlled facilities; provided that such
4 persons who hold medical licenses in New Mexico shall be
5 subject to the provisions of the Medical Practice Act and
6 provided that all such persons shall be fully licensed to
7 practice medicine in one or more jurisdictions of the United
8 States;

9 E. the practice of medicine by a physician,
10 unlicensed in New Mexico, who performs emergency medical
11 procedures in air or ground transportation on a patient from
12 inside of New Mexico to another state or back, provided the
13 physician is duly licensed in that state;

14 F. the practice, as defined and limited under their
15 respective licensing laws, of:

- 16 (1) osteopathy;
- 17 (2) dentistry;
- 18 (3) podiatry;
- 19 (4) nursing;
- 20 (5) optometry;
- 21 (6) psychology;
- 22 (7) chiropractic;
- 23 (8) pharmacy;
- 24 (9) acupuncture and oriental medicine; ~~[or]~~
- 25 (10) physical therapy; or

1 (11) naturopathic medicine;

2 G. any act, task or function performed by a
3 physician assistant at the direction of and under the
4 supervision of a licensed physician, when:

5 (1) the assistant is registered and has
6 biennially renewed his registration with the board as one
7 qualified by training or experience to function as an assistant
8 to a physician;

9 (2) the act, task or function is performed at
10 the direction of and under the supervision of a licensed
11 physician in accordance with rules promulgated by the board;
12 and

13 (3) the acts of the physician assistant are
14 within the scope of duties assigned or delegated by the
15 supervising licensed physician and the acts are within the
16 scope of the assistant's training;

17 H. any act, task or function of laboratory
18 technicians or technologists, x-ray technicians, nurse
19 practitioners, medical or surgical assistants or other
20 technicians or qualified persons permitted by law or
21 established by custom as part of the duties delegated to them
22 by:

23 (1) a licensed physician or a hospital, clinic
24 or institution licensed or approved by the public health
25 division of the department of health or an agency of the

underscored material = new
[bracketed material] = delete

1 federal government; or

2 (2) a health care program operated or financed
3 by an agency of the state or federal government;

4 I. a properly trained medical or surgical assistant
5 or technician or professional licensee performing under the
6 physician's employment and direct supervision or a visiting
7 physician or surgeon operating under the physician's direct
8 supervision any medical act that a reasonable and prudent
9 physician would find within the scope of sound medical judgment
10 to delegate if, in the opinion of the delegating physician, the
11 act can be properly and safely performed in its customary
12 manner and if the person does not hold himself out to the
13 public as being authorized to practice medicine in New Mexico.
14 The delegating physician shall remain responsible for the
15 medical acts of the person performing the delegated medical
16 acts;

17 J. the practice of the religious tenets of any
18 church in the ministrations to the sick or suffering by mental
19 or spiritual means as provided by law; provided that the
20 Medical Practice Act shall not be construed to exempt any
21 person from the operation or enforcement of the sanitary and
22 quarantine laws of the state;

23 K. the acts of a physician licensed under the laws
24 of another state of the United States who is the treating
25 physician of a patient and orders home health or hospice

. 142010. 1

1 services for a resident of New Mexico to be delivered by a home
2 and community support services agency licensed in this state;
3 provided that any change in the condition of the patient shall
4 be physically reevaluated by the treating physician in the
5 treating physician's jurisdiction or by a licensed New Mexico
6 physician;

7 L. a physician licensed to practice under the laws
8 of another state who acts as a consultant to a New Mexico-
9 licensed physician on an irregular or infrequent basis, as
10 defined by rule of the board; and

11 M a physician who engages in the informal practice
12 of medicine across state lines without compensation or
13 expectation of compensation; provided that the practice of
14 medicine across state lines conducted within the parameters of
15 a contractual relationship shall not be considered informal and
16 is subject to licensure and regulation by the board. "

17 Section 25. EFFECTIVE DATE. --The effective date of the
18 provisions of this act is July 1, 2003